



July 14, 2004

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Acting Executive Officer

**TO:** Local Agency Formation Commission

**FROM:** Executive Officer  
Policy Analyst

**SUBJECT:** Proposed "Planning Area 6 Annexation to the City of Irvine"  
(CA 04-04)

### **APPLICANT**

The Irvine Company (TIC), by landowner petition.

### **PROPOSAL**

The Irvine Company has filed an application with LAFCO to annex approximately 1,662 acres of uninhabited, unincorporated territory located in the City of Irvine's sphere of influence. This item was continued from the June 9, 2004 Commission meeting agenda to allow for completion of agreements and arrangements related to the changes in jurisdictional boundaries. The proposed annexation area is part of the City's 7,742-acre Northern Sphere Development Area. The Commission approved three other annexations to the City of Irvine within the Northern Sphere area in 2003, planning areas 8A, 9A, and 40. If approved, annexation of Planning Area 6 will allow for planning and development of the property in the City's jurisdiction and facilitate the logical extension of City municipal services to the proposed land uses in accordance with the City's Northern Sphere plans. TIC proposes to develop Planning Area 6 with a mix of residential, commercial, medical/science and open space uses.

### **LOCATION**

The territory is generally bound by Trabuco Road to the south, Sand Canyon Avenue to the west, Foothill Transportation Corridor to the north, and the Habitat Reserve area of the former MCAS El Toro property recently annexed to the City of Irvine to the east. (See attached vicinity map, Attachment "A".)

## **LAND USE**

The City of Irvine has pre-zoned the area as Open Space, Residential and Multi-use Commercial, Industrial and Institutional. The City's General Plan has been amended to reflect the designations of Medium Density Residential, Multi-Use Community Commercial, Open Space, Research/Industrial and Recreation. Existing surrounding land uses include the Foothill Transportation Corridor and undeveloped open space to the north, the former MCAS El Toro to the south, undeveloped open space and MCAS El Toro to the east, and Sand Canyon Avenue, the Eastern Transportation Corridor, and agricultural and open space uses to the west.

## **ENVIRONMENTAL REVIEW**

In May 2001, the City of Irvine as lead agency certified a Program Environmental Impact Report (PEIR) for its Northern Sphere planning activities in accordance with the California Environmental Quality Act ("CEQA"). A supplement to the PEIR was later prepared and certified by the City in April 2003. Those CEQA documents address zone changes, general plan amendments, and annexations of the various planning areas in the City's Northern Sphere, including Planning Area 6. The Commission, as a responsible agency, may review and consider these documents in its consideration of the proposed annexation. The City's adopted Findings and Fact and Statement of Overriding Considerations are attached to this report as Attachment "B" for the Commission's reference and review. The full PEIR and supplement are available in the LAFCO office for Commission review.

## **PROPERTY TAX**

The City of Irvine and County of Orange have agreed to a transfer of property tax revenues for Planning Area 6 in accordance with their Master Property Tax Exchange Agreement adopted on October 28, 1980. The agreement allocates approximately 18 percent of the property tax revenue to the City of Irvine and 82 percent to the County of Orange.

## **RECOMMENDATIONS**

Planning Area 6 is consistent with the LAFCO-adopted sphere of influence for the City of Irvine and is the next logical extension of the city's boundaries and municipal services to the City's northerly developing areas. Staff recommends that the Commission:

1. Make findings pursuant to State CEQA Guidelines Sections 15096(g)(2) and 15096(h), that the Commission has considered the Program EIR and supplement prepared by the City of Irvine for the Planning Area 6 Area, and that it did not find any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment, and that it has considered findings (Attachment "B")

made by the City of Irvine for the Program EIR and supplement pursuant Sections 15091 and 15093, incorporated herein by this reference and adopted by the Commission as though fully set forth herein.

2. Adopt the form of resolution approving the "Planning Area 6 Annexation to the City of Irvine" (CA 04-04) subject to the following terms and conditions:
  - a. Payment of County Clerk-Recorder and State Board of Equalization fees.
  - b. Upon annexation of the territory to the city, all right, title, and interest of the County, including the underlying fee title where owned by the County in any and all public roads, bridges, storm drains, sidewalks, trails, landscaped areas, street lights, open space, and local parks shall vest in the City, except for those properties to be retained by the County and specifically listed in these terms and conditions, if any. The City shall assume ownership and maintenance responsibility upon the effective date of annexation.
  - c. Upon the effective date of annexation, the City shall do the following: (1) assume ownership and maintenance responsibilities for all drainage devices, storm drains and culverts, appurtenant facilities (except for the Marshburn Retarding Basin, Marshburn Channel (F16), and the proposed concrete open channel between Marshburn Retarding Basin and Lambert Road connecting to the southeast portion of the Marshburn Retarding Basin, which the Orange County Flood Control District (OCFCD) will own and maintain per County Agreement No. D04-017 which is currently being prepared between the OCFCD, City, and The Irvine Company), site drainage, and all master plan storm drain facilities (including the local storm drain and the Orange County Flood Control District easement entering the Marshburn Retarding Basin from the northwest) that are within the annexation area and are County (OCFCD) operated and maintained; (2) administer flood zoning and Federal Emergency Management Agency floodplain regulations within the annexation area; (3) coordinate development within the annexation area that is adjacent to any existing flood control facilities for which OCFCD has a recorded flood control easement or owns fee interest, by submitting plans and specifications to the Manager of Flood Control Division, County of Orange Resources and Development Management Department, for review and require execution of agreement for acceptance of the facility design and construct necessary flood facilities to the satisfaction of Orange County (OCFCD); (4) direct the developer to enter into agreement with Orange County Flood Control District for acceptance and maintenance of flood control facilities; and (5) direct the developer to enter into agreement with City for acceptance and maintenance of flood control facilities.

- d. The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attack, set aside, void or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.
- e. The effective date shall be the date of recordation.

Respectfully submitted,

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BOB ALDRICH

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KIM A. KOEPPEN

Attachments: A. Vicinity Map  
B. Environmental Documents:  
Executive Summary  
Council Resolution Certifying FEIR  
Findings of Fact and Statement of Overriding Considerations